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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/791,267	03/02/2004	Peter Sprogis	89762-00001	2812
22334	7590	06/30/2006	EXAMINER	
PETER F WEINBERG GIBSON DUNN AND CRUTCHER LLP SUITE 4100 1801 CALIFORNIA STREET DENVER, CO 80202			BROWN, VERNAL U	
			ART UNIT	PAPER NUMBER
			2612	
DATE MAILED: 06/30/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

8

Office Action Summary	Application No.		Applicant(s)	
	10/791,267		SPROGIS, PETER	
	Examiner		Art Unit	
	Vernal U. Brown		2612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-56 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-56 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

The application of Peter Sprogis for Method and Apparatus For Transponder Initiated Messaging filed March 2, 2004 has been examined. Claims 1-56 are pending.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-2, 4, 11-12, 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Shorrock et al. US Patent 6283065.

Regarding claims 1-2 and 4, Shorrock et al. teaches a method of providing messaging comprising: a. placing a RFID tag (transponder) on a animal (col. 9 lines 30-36), encoded with a prompt for additional information on an animal such as the owners contact phone number (col. 4 lines 7-20); b. receiving information from said RFID tag with a RFID reader (col. 9 lines 33-36); c. transmitting commands such as read command between said RFID tag and said RFID reader with an antenna (col. 9 lines 38-49). Shorrock et al. teaches identification information including owner's information is store in the transponder (col. 9 lines 10-15). The owner's identification is therefore inherently displayed in order for a person to obtain the information regarding the owner of the animal.

Regarding claim 11, Shorrock et al. teaches a messaging method comprising: a. encoding a RFID tag with a unique identification code that provides direction to

Art Unit: 2612

information about a product (col. 4 lines 7-20); b. receiving said unique identification code from said RFID tag on a RFID reader (col. 9 lines 33-36); c. transmitting and receiving information between said RFID tag and RFID reader on an antenna (col. 9 lines 38-49). Shorrock et al. teaches identification information including owner's information is store in the transponder (col. 4 lines 7-20, col. 9 lines 10-15) and this information is used to locate the owner of the lost pet. The information of the owner is therefore display in order for the information to be used by a person to contact the owner.

Regarding claims 12 and 14, Shorrock et al. teaches direction to information includes a telephone number (col. 4 lines 16-17).

Claims 19-20²², 25, 28, 30, 31, 33, 35-36, 39, 40-41, 43, 45, 46, 48, 49, 51, and 54 are rejected under 35 U.S.C. 102(b) as being anticipated by John Winn UK Patent Application GB 2370942.

Regarding claims 19, 28, 31, 41, and 48, Winn teaches encoding a RFID tag (plink tag) with a prompt that provides direction to advertising information regarding a beef product (first paragraph of page 8). Win teaches equipping a plurality RFID readers disperse throughout the area provided by the retailers (second paragraph 009) for receiving transmission from the RFID tag. RFID tag and reader to transmit and receive information inherently use an antenna. Winn teaches transmitting a prompt by providing (displaying) additional information of a product to the user (first paragraph of page 8).

Regarding claims 20 49, Winn teaches providing advertising information about a product to which the tag is attached (last paragraph on page 4).

Regarding claims 22, 25, 30, 33, 35, 39, 40, 43, 45, 50, 51, and 54 Winn teaches a prompt include a website link to obtain information (third paragraph of page 4).

Art Unit: 2612

Regarding claims 36 and 46, Winn teaches the prompt provides direction to receive advertising information by providing the menu for navigating through the information (first paragraph of page 8).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3, 5, 13, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shorrock et al. US Patent 6283065 in view of Kovach US Patent Application Publication 20050088320.

Regarding claims 3, 5, 13, and 15 Shorrock et al. teaches providing a prompt such as a owners information (col. 4 lines 7-20) in order to contact the owner of a lost animal but is silent on teaching the prompt include an Internet address or a website. Kovach in an art related tracking system teaches providing an Internet address as a means of contacting an owner in response to the information read from a transponder (paragraph 0038).

It would have been obvious to one of ordinary skill in the art to provide a prompt that include an Internet address in Shorrock et al. because an internet address represent a conventional and effective means of communicating important information including text or image to a person.

Art Unit: 2612

Claims 6, 8, and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shorrock et al. US Patent 6283065 in view of Wakim et al. US Patent Application Publication 20040186768.

Regarding claims 6, 8, and 10, Shorrock et al. teaches providing informational prompt (col. 4 lines 7-20) and teaches encoding the RFID device with a prompt for providing additional information on an animal such as the owners contact phone number (col. 4 lines 7-20) but is silent on teaching providing prompt to request advertising information. Wakim et al. in an art related ID system teaches providing prompt to request advertising information (paragraph 009).

It would have been obvious to one of ordinary skill in the art to provide a prompt to request advertising information because this provides for the targeting of information to a particular user and to provide relevant information to the user.

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shorrock et al. US Patent 6283065 in view of Reynolds et al. US Patent 6286763.

Regarding claim 7, Shorrock et al. teaches a reader for reading the RFID device (col. 9 lines 33-36) but is silent on teaching turning off the reader. Reynolds et al. in an art related RFID tag system teaches a RFID reader that has an on/off feature for turning off the RFID reader (col. 8 lines 19-36).

It would have been obvious to one of ordinary skill in the art to have turn off the RFID reader in RFID reader may be turned off and not receive any prompt from said RFID Tag while turned off Shorrock et al. because this provides a means of conserving the power supply of the reader.

Art Unit: 2612

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shorrock et al. US Patent 6283065 in view of Wakim et al. US Patent Application Publication 20040186768 and further in view of Kovach US Patent Application Publication 20050088320.

Regarding claim 9, Shorrock et al. teaches providing a prompt such as a owners information (col. 4 lines 7-20) in order to contact the owner of a lost animal but is silent on teaching the prompt include an Internet address or a website. Kovach in an art related tracking system teaches providing an Internet address as a means of contacting an owner in response to the information read from a transponder (paragraph 0038).

It would have been obvious to one of ordinary skill in the art to provide a prompt that include an Internet address in Shorrock et al. because an internet address represent a conventional and effective means of communicating important information including text or image to a person.

Claims 16-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shorrock et al. US Patent 6283065 in view of Wakim et al. US Patent Application Publication 20040186768.

Regarding claims 16-17, Shorrock et al. teaches providing informational prompt (col. 4 lines 7-20) and teaches encoding the RFID device with a prompt for providing additional information on an animal such as the owners contact phone number (col. 4 lines 7-20) but is silent on teaching providing prompt to request advertising information. Wakim et al. in an art related ID system teaches providing prompt to request advertising information (paragraph 009).

Art Unit: 2612

It would have been obvious to one of ordinary skill in the art to provide a prompt to request advertising information because this provides for the targeting of information to a particular user and to provide relevant information to the user.

Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shorrock et al. US Patent 6283065 in view of Reynolds et al. US Patent 6286763.

Regarding claim 18, Shorrock et al. teaches a reader for reading the RFID device (col. 9 lines 33-36) but is silent on teaching turning off the reader. Reynolds et al. in an art related RFID tag system teaches a RFID reader that has an on/off feature for turning off the RFID reader (col. 8 lines 19-36).

It would have been obvious to one of ordinary skill in the art to have turn off the RFID reader in RFID reader may be turned off and not receive any prompt from said RFID Tag while turned off Shorrock et al. because this provides a means of conserving the power supply of the reader.

Claims 21, 26, 29, 32, 34, 38, 42, 44, 50, and 55 are rejected under 35 U.S.C. 103(a) as being unpatentable over John Winn UK Patent Application GB 2370942 in view of Shorrock et al. US Patent 6283065

Regarding claims 21, 26, 29, 32, 34, 38, 42, 44, and 55 Winn teaches providing prompt to a user (see response to claim 19) but is silent on teaching providing a prompt in the form of a telephone number. Shorrock et al. in an art related transponder system teaches providing information prompt and the prompt includes a contact telephone number (col. 4 lines 7-20).

Art Unit: 2612

It would have been obvious to one of ordinary skill in the art to provide a prompt in the form of a telephone number because the telephone number provide the contact point by which additional information can be obtained.

Claims 23-24, and 52-53 are rejected under 35 U.S.C. 103(a) as being unpatentable over John Winn UK Patent Application GB 2370942 in view of Wakim et al. US Patent Application Publication 20040186768.

Regarding claims 23-24, and 52-53 Winn teaches providing advertising information (first paragraph of page 8) but is silent on teaching providing information by email and text messages. Wakim et al. in an art related ID system teaches providing prompt to request advertising information (paragraph 009) and the information is provided by email and text messaging (paragraph 008).

It would have been obvious to one of ordinary skill in the art to provide information by email and text messages in Winn because email and text messages provides a convenient and effective means of communicating messages to a user.

Claims 27, 37, 47, and 56 are rejected under 35 U.S.C. 103(a) as being unpatentable over John Winn UK Patent Application GB 2370942 in view of Reynolds et al. US Patent 6286763.

Regarding claim 27, 37, 47, and 56, Winn teaches a reader for reading the RFID device (see response to claim 19) but is silent on teaching turning off the reader. Reynolds et al. in an art related RFID tag system teaches a RFID reader that has an on/off feature for turning off the RFID reader (col. 8 lines 19-36).

It would have been obvious to one of ordinary skill in the art to have turn off the RFID reader in RFID reader may be turned off and not receive any prompt from said

Art Unit: 2612

RFID Tag while turned off Winn because this provides a means of conserving the power supply of the reader.

Conclusion

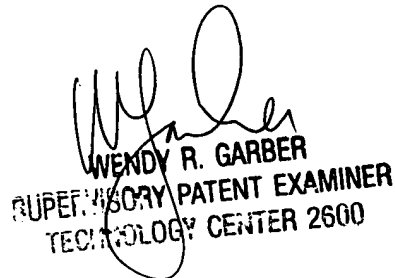
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vernal U. Brown whose telephone number is 571-272-3060. The examiner can normally be reached on 8:30-7:00 Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy Garber can be reached on 571-272-7308. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Vernal Brown
June 19, 2006



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